

REMARKS

Claims 1-15 are pending. By this Amendment, Claims 1-8 are amended and Claims 9-15 are added. Claims 1-8 are amended to address informalities therein. Support for the features added to Claim 1 by amendment herein can be found, for example only, in Figures 1 and 8 of the application as originally filed. Claim 9 corresponds to original claims 1 and 5 and Claims 10-15 correspond to original Claims 2-4 and 6-8. Accordingly, Applicants respectfully submit that no new matter is presented herein.

Allowable Subject Matter

Applicants respectfully acknowledge and appreciate the indication by the Examiner that Claims 5-8, although objected to for depending on a rejected base claim, would be allowable if rewritten in independent form, including all of the features recited by the base claim and any intervening claims.

In this regard, new independent Claim 9 corresponds to original base Claim 1 and the allowable subject matter of original dependent Claim 5. Applicants respectfully submit Claim 9 is believed to now be in condition for allowance. New dependent Claims 10-15 correspond to original dependent Claims 2-4 and 6-9, respectively, and depend from new allowable independent Claim 9. It is respectfully submitted that these dependent claims are allowable for at least the same reasons Claim 9 is allowable as well as for the additional subject matter recited therein. Withdrawal of the objection to Claims 5-8 is respectfully requested.

Claim Rejection -- 35 U.S.C. §103

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,758,169 to Suzuki et al. (Suzuki) in view of U.S. Patent No. 6,299,195 to Chan (Chan). Applicants respectfully traverse the rejection.

Claim 1 recites an engine-driven work machine including, among other features, a frame having an open mouth defined by a base frame and pair of left and rights side framed at an end part in the fore-and-aft direction of the frame, the open mouth being closed when handle bars are pivoted to a storage position. See Figures 1 and 8 of the application.

Applicants respectfully submit that Suzuki and Chan, alone or in combination, fail to teach or suggest each and every feature recited by Claim 1.

For example, Suzuki teaches a frame (4,10) that when viewed from the side is clearly has a front frame portion and a rear frame portion joined to the front frame portion by a lower or base frame portion such that a top or upper portion of the frame (4, 10) defines an open mouth. That is, Suzuki does not teach or suggest the open mouth of the frame (4, 10) being defined at an end part in the fore-and-aft direction of the frame (4, 10) since the open mouth of Suzuki is in the top, intermediate, portion of the frame when viewed from the side.

As such, even if the pivoting handle bars taught by Chan were added to the frame (4, 10) taught by Suzuki, the modified Suzuki frame (4, 10) would not result in the frame (4, 10) having an open mouth defined by a base frame and pair of left and rights side framed at an end part in the fore-and-aft direction of the frame, wherein the open mouth of the Suzuki frame is closed when handle bars are pivoted as taught by Chan to

a storage position since the open mouth of the Suzuki frame is in the top portion of the frame and not the end part in the fore-and-aft direction of the frame.

Accordingly, Applicants respectfully submit Suzuki and Chan, alone or in combination, do not teach or suggest each and every feature recited by Claim 1. Moreover, if Suzuki were modified according to the teachings of Chan, the modified Suzuki frame (4, 10) would not resemble or arrive at the frame recited by Claim 1. Therefore, Applicants respectfully submit that Claim 1 is not obvious in view of the teachings of Suzuki and Chan, and should therefore be deemed allowable.

Claims 2-8 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of the application, withdrawal of the outstanding objection and rejection, allowance of Claims 1-15, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107348-00552.**

Respectfully submitted,

Murat Ozgu
Registration No. 44,275

Customer No. 004372

ARENT FOX LLP
1050 Connecticut Avenue, N.W.,
Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

MO:elp